

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 05-30052-MAP

CARNELL GARVIN,)
Plaintiff,)
)
v.)
)
D.A. SULLIVAN & SONS, INC.,)
Defendant/Third-)
Party Plaintiff,)
CONSTRUCTION SAFETY)
SERVICES, INC.,)
Defendant,)
)
v.)
)
A-DECK, INC.,)
Third-Party Defendant.)

JOINT MOTION TO EXTEND

All parties request that the Scheduling Order (dated June 23, 2005) be amended to permit additional time to conduct discovery. Specifically, the parties request the following changes:

1. All written discovery and non-expert depositions completed by May 1, 2006;
2. Plaintiff's expert disclosures as required by Rule 26(a)(2) by June 1, 2006;
3. Defendant's expert disclosures by July 15, 2006;
4. All expert depositions by September 1, 2006; and

5. The case management conference, now scheduled for February 2, 2006, be rescheduled by the Court until after May 1, 2006.

In support of this motion, the parties state the initial Scheduling Conference was held on June 23, 2005. At that time, A-Deck was not yet a party to the case. A-Deck answered on September 22, 2005.

The Scheduling Order called for written discovery and lay depositions to be completed by February 1, 2006; that all expert witnesses be deposed by August 1, 2006. Accordingly, the proposed amendment extends the final discovery deadline by only one month.

The parties have been working cooperatively; however, the addition of another out-of-state party (i.e., A-Deck); the busy trial schedules of attorneys; and the holiday season have made scheduling in December 2005 and January 2006 very difficult. In addition, one key witness, Roger Mee of Construction Safety Services, Inc., was scheduled to have surgery in January 2006 and, accordingly, the parties anticipated, until quite recently, he would have. The parties are now arranging his testimony.

The parties are in agreement that additional time is needed and jointly request that this motion be allowed.

WHEREFORE, the parties together request that the Scheduling Order be amended as requested.

CARNELL GARVIN
By his attorney,

/s/ Andrew R. Duffy

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By its attorney,

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Dated: January 10, 2006

A-DECK, INC.
By its attorney,

/s/ David M. O'Connor

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CONSTRUCTION SAFETY SERVICES
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